

June 19, 2007

Atty Docket No.: PHUS030164 (79002-9)

Serial No.: 10/559,837

Filed: December 8, 2005

Page 6 of 9

**REMARKS**

**Specification Amendment.** The Applicant has amended the specification herein to correct a typographical error. No new matter was introduced by the amendment of the specification herein.

Further, in the Non-Final Office Action, Examiner Kinkead requested the various sections of the specification be delineated with appropriate headings. The Applicant hereby respectfully declines to add the headings in the specification in view of the specification headings not being a requirement in accordance with MPEP §608.01(a).

**Claim Amendments.** The Applicant has amended the claims 3-5 and 7-10 herein to correct typographical errors in claims 3-5 and 7-10, and NOT to overcome any rejection of claims 3-5 and 7-10. No new matter was introduced by the amendment of the claims 3-5 and 7-10 herein.

**Claim Rejection.** In the Non-Final Office Action, Examiner Kinkead rejected pending claims 1-13 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,883,534 to *Kondoh et al.* The Applicant has thoroughly considered Examiner Kinkead's remarks concerning the patentability of claims 1-13 over *Kondoh*. The Applicant has also thoroughly read *Kondoh*. To warrant this §102(b) rejection of claims 1-13, each and every element as set forth in the independent claims 1, 6 and 11 must be either expressly or inherently described in *Kondoh*. See, MPEP §2131. The Applicant respectfully traverses this §102(b) rejection of independent claims 1, 6 and 11, because *Kondoh* fails to describe, expressly or inherently, the following limitations of independent claims 1, 6 and 11:

1. “a second delay element for delaying said output signal as a function of a predetermined fraction of a period of said clock to produce a second output signal” as recited in independent claim 1;

June 19, 2007

Atty Docket No.: PHUS030164 (79002-9)

Serial No.: 10/559,837

Filed: December 8, 2005

Page 7 of 9

2. "a second delay element for delaying said first output signal as a function of a predetermined fraction of a period of said clock to produce a second output signal" as recited in independent claim 6; and
3. "each of said plural third signals being equal to a delayed version of said first signal as a function of a plural of predetermined fractions of a period of said clock" as recited in independent claim 11.

As to the traversal, in one aspect as shown in FIGS. 1-26, 33-35 and 37-46, *Kondoh* teaches a wave form shaping device that is designed for the purpose of delaying an output clock OUT\_B (i.e., a second output signal as claimed in independent claims 1 and 6, and second signal as claimed in independent claim 11) as a function of a phase comparison for an input clock signal IN and output clock signal OUT\_A (i.e., a first output signal as claimed in independent claims 1 and 6, and first signal as claimed in independent claim 11). See, Kondoh at column 15, line 20 to column 29, line 24; column 31, line 31 to column 32, line 67; and column 33, line 38 to column 38, line 28.

In a second aspect as shown in FIGS. 27-32 and 36 *Kondoh* teaches a wave form shaping device that is designed for the purpose of delaying an output clock OUT\_B (i.e., a second output signal as claimed in independent claims 1 and 6, and second signal as claimed in independent claim 11) as a function of a differential for an input clock signal IN (i.e., a first output signal as claimed in independent claims 1 and 6, and first signal as claimed in independent claim 11) and a reference signal (Vdd/2 as shown in FIG. 27 and Vr as shown in FIG. 36). See, Kondoh at column 29, line 25 to column 31, line 29; and column 33, lines 1-36.

However, *Kondoh* clearly fails to describe, expressly or inherently, a wave form shaping device that is designed for the purpose of delaying output clock OUT\_B as a function of a predetermined fraction of a period of input clock signal IN or output clock OUT\_A as encompassed by the aforementioned limitations of independent claims 1, 6 and 11. Thus, the

June 19, 2007

Atty Docket No.: PHUS030164 (79002-9)

Serial No.: 10/559,837

Filed: December 8, 2005

Page 8 of 9

fact that *Kondoh* may implement his invention with delay elements, feedback paths, logic gates and inverters is immaterial in view of the failure of *Kondoh* to describe, expressly or inherently, an arrangement of such components for the purpose of delaying output clock OUT\_B as a function of a predetermined fraction of a period of input clock signal IN or output clock OUT\_A as encompassed by the aforementioned limitations of independent claims 1, 6 and 11.

Withdrawal of the rejection of independent claims 1, 6 and 11 under 35 U.S.C. §102(b) as being anticipated by *Kondoh* is therefore respectfully requested.

Claims 2-5 depend from independent claim 1. Therefore, dependent claims 2-5 include all of the elements and limitations of independent claim 1. It is therefore respectfully submitted by the Applicant that dependent claims 2-5 are allowable over *Kondoh* for at least the same reason as set forth herein with respect to independent claim 1 being allowable over *Kondoh*.

Withdrawal of the rejection of dependent claims 2-5 under 35 U.S.C. §102(b) as being anticipated by *Kondoh* is therefore respectfully requested.

Claims 7-10 depend from independent claim 6. Therefore, dependent claims 7-10 include all of the elements and limitations of independent claim 6. It is therefore respectfully submitted by the Applicant that dependent claims 7-10 are allowable over *Kondoh* for at least the same reason as set forth herein with respect to independent claim 6 being allowable over *Kondoh*. Withdrawal of the rejection of dependent claims 7-10 under 35 U.S.C. §102(b) as being anticipated by *Kondoh* is therefore respectfully requested.

Claims 12 and 13 depend from independent claim 11. Therefore, dependent claims 12 and 13 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 12 and 13 are allowable over *Kondoh* for at least the same reason as set forth herein with respect to independent claim 11 being allowable over *Kondoh*. Withdrawal of the rejection of dependent claims 12 and 13 under 35 U.S.C. §102(b) as being anticipated by *Kondoh* is therefore respectfully requested.

June 19, 2007

Atty Docket No.: PHUS030164 (79002-9)

Serial No.: 10/559,837

Filed: December 8, 2005

Page 9 of 9

**SUMMARY**

The Applicant respectfully submits that claims 1-13 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Kinkead is respectfully requested to contact the undersigned at the telephone number listed below.

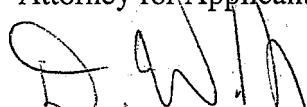
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Respectfully submitted,  
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